GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Higher Education - Regularization of service of Sri.T.L.Rambabu, Lecturer in Electronics, Mrs.AVN College, Visakhapatnam with effect from 01.04.1991 i.e., the date on which, the post was admitted to grant-in-aid, in compliance with the orders dated:28.12.2016 of the Hon'ble High Court in W.P.No.3875 of 2003 – Orders – Issued.

HIGHER EDUCATION [C.E-A2] DEPARTMENT

G.O.Ms.No.44 Dated:14/08/2023

Read the following:-

1. Orders dated:28.12.2016 of Hon'ble High Court of A.P in W.P.No.3875 of 2003.
2. Contempt Case .No.1926 of 2017 filed in W.P.No.3875 of 2003 before Hon'ble High Court of A.P.
3. From the Spl.CCE, A.P, Lr.Rc.No.77/Admn.I-1/2017, Dated: 02.4.2018.
4. From the Spl.CCE, A.P.Lr.Rc.No.77/Admn-I-1/2017, Dated: 22.11.2018.
5. Orders dated:24.03.2021 of Hon'ble High Court of A. in I.A.No.1 of 2019 in W.P.No.3875 of 2003.
6. Orders dated:23.09.2021 of Hon'ble High Court of A.P in W.A.No.397 of 2021.
6. From the CCE, AP, Lr.Rc.No.77/Admn.I-1/2017, Dated:28.12.2021.
7. Orders dated:12.7.2022 of Hon'ble Supreme Court of India in SLP(C).No.10133/2022.

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ORDER:

Sri T.L.Rambabu was engaged as Part-time Lecturer in Electronics from 18.09.1987 to handle spill over workload and the Management of Mrs. AVN College, Visakhapatnam engaged the incumbent of their own choice as Part time Lecturer. Over a period, the post of Lecturer in Electronics was admitted to Grant in aid in terms of G.O.Ms.No.247 Education, dated: 04.07.1991. The service of Sri T.L.Rambabu were regularized vide C.C.E's Procs.Rc.No.351/PC.I-3/ 98-6, dated 27.02.1998 with effect from 27.02.1998 as he was fulfilled the guidelines as prescribed in G.O.Ms.No.328 Education, dated:15.10.1997.

2. Sri T.L.Rambabu, Lecturer in Electronics (Now retired), Mrs.A.V.N. College, Visakhapatnam filed the W.P.No.3875 of 2003 seeking directions to regularize his services in the post of Lecturer in Electronics from 18.09.1987 or from 01.04.1991 with all consequential benefits such as service and monitory benefits. The Hon'ble High Court of A.P on 28.12.2016 while disposing of the W.P. directed the Respondents to regularize the services of the Petitioner with effect from 01.04.1991 i.e., the date on which the post was admitted to Grant-in-Aid, with all consequential benefits including service and monetary benefits.

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3. Aggrieved by the orders dt:28.12.2016 of Hon'ble High Court of A.P in W.P.No.3875 of 2013, the Commissioner of Collegiate Education, A.P have filed Review Petition. The Hon'ble High Court of Andhra Pradesh dismissed the Review Petition I.A No.1 of 2019 in W.P.No.3875 of 2003 on the grounds of delay on 24.03.2021 without touching merits. Aggrieved by this, the department filed W.A No.397 of 2021 against the orders dated:24.03.2021 in Review I.A No.1 of 2019 in W.P.No.3875 of 2003. However the Hon'ble High Court of Andhra Pradesh dismissed the Writ Appeal in its order dated:23.09.2021 in WA No. 397 of 2021 on the grounds of delay and made the following:

> *"While disposing of the W.P. directed the Respondents to regularize the services of the Petitioner with effect from 01.04.1991 i.e., the date on which the post was admitted to Grant-in-Aid, with all consequential benefits including service and monetary benefits".*

4. Aggrieved by the dismissal order in W.A.No.397/2021 dt:23.09.2021, the Department has filed Special Leave Petition No.10133/2022 and the Apex Court on 12.07.2022 made the following order:

> *1. There was a gross delay on the part of the State of Andhra Pradesh in the present case. The original order of the High Court dated:28 December 2016 has not been challenged until date. A review was sought of that order on 1 October 2019, which was dismissed on 24 March 2021. The order dismissing the review was not amenable to a writ appeal in an event. Hence, we decline to entertain the Special Leave Petition. However, it is expressly clarified that no opinion has been expressed by the Court on the question of law which is kept open to be decided in appropriate proceedings..*
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> *2. The Special Leave Petition is dismissed.*
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> *3.Mr. A D N Rao, senior counsel appearing on behalf of the first respondent, states that the first respondent retired in 2017 and his dues have not yet been paid despite the lapse of nearly five years. Senior counsel submits that the State may be directed to comply and pay the retiral dues of the first respondent in a reasonable period in which event the first respondent will not press the contempt proceedings.*
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> *4. We direct the State of Andhra Pradesh to release the entire dues of the first respondent within a period of two months from the date of this order.*
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> *5. Pending application, if any, stands disposed of*

5. Thus, after careful examination of the matter in consultation with advisory departments w.r.t the directions of the Hon'ble Supreme Court of India dated:12.07.2022 in SPL (C).No.10133/2022, Government hereby accords permission to the Commissioner of Collegiate Education, A.P, Mangalairi to implement the orders, dated:28.12.2016 of the Hon'ble High Court of A.P in W.P.No.3875 of 2003, as a special case, subject to outcome of the SLP filed by the Finance Dept on the issue.

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6. This order shall not be quoted as a precedent in similarly placed matters.

7. The Commissioner of Collegiate Education, A.P. shall take further action accordingly.

8. This order issues with the concurrence of the Finance Department, vide their Finance U.O.No.FIN01-32026/55/2018/HR.I(ComputerNo:470285) Dated:14.06.2023.

(BY ORDER AND IN THE NAME OF THE GOVENOR OF ANDHRA PRADESH)

J.SYAMALA RAO
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Collegiate Education, Andhra Pradesh, Mangalagiri,
The individual through the CCE, A.P. Mangalagiri.
Copy to:
The Accountant General, A.P. Vijayawada.
The Director of Treasuries and Accounts, A.P, Ibrahimpatnam,
The Pay and Accounts Officer, A.P, Ibrahimpatnam.
The P.S to Spl.CS to Chief Minister.
The OSD to Minister [Education].
The P.S to Chief Secretary to Govt.
The P.S to Prl.Secy to Higher Education Department,
The Advocate on Records, A.P, Supreme Court of India, New Delhi.
The G.P for Higher Education, High Court of A.P. Amaravati.
Finance (HR.I) Department
Sf/Sc.

// FORWARDED :: BY ORDER//

SECTION OFFICER